

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON CLARK,

Defendant.

8:12CR243

ORDER

This matter is before the Court on defendant Aaron Clark’s (“Clark”) pro se Motion for Compassionate Release/Reduction in Sentence under 18 U.S.C. § 3582(c)(1)(A)(i), as amended by the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018) (Filing No. 169). Clark argues a sentence reduction is appropriate “for several reasons”—both of his parents are in an “incapacitated state and in need of constant care due to several degenerative medical conditions”; his “consecutive sentence was made in error”; and changes in drug-sentencing law warrant early release.

Section 3582(c)(1)(A) authorizes the Court to “reduce [Clark’s] term of imprisonment” for “extraordinary and compelling reasons” thirty days after the warden of the facility where he is incarcerated receives a request to file such a motion on his behalf. Clark requested relief from his warden, and it was denied on September 19, 2022.

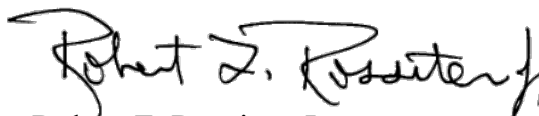
Upon initial review, the Court finds Clark has potentially raised a colorable claim with respect to his parents’ health conditions under § 3582(c)(1)(A) and that appointing counsel will aid the Court in determining whether Clark’s circumstances warrant any relief. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Clark for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his sentence.
2. If the Federal Public Defender declines this appointment because of a conflict of interest or based on the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender concludes that Clark's motion is frivolous, they may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Clark's request and promptly file under seal a report summarizing the results of that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Clark's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Clark's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Clark's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 2nd day of February 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge